



#7

Patent

Docket Number: SEL-00104.P.1-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Yu

Application No.: 09/821,160

Filed: March 29, 2001

For: COMPOSITIONS AND  
METHODS FOR IDENTIFYING  
POLYPEPTIDES AND NUCLEIC  
ACID MOLECULES

Examiner: To be determined

Art Unit: 1645

TECH CENTER 1600/2900

JAN 31 2002

RECEIVED

Assistant Commissioner for Patents  
Washington D.C. 20231

Sir:

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT  
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID  
SEQUENCE DISCLOSURES**

This response is being filed within two months of the mailing of the referenced Notice on January 14, 2002, referring to our previous response mailed July 11, 2001 to a Notice mailed July 6, 2001. The USPTO has apparently not entered the sequence information provided by Applicant on July 11, 2001 (See Attachment A and Attachment B). Rather, it appears that the sequence information originally filed with the present application has been "reexamined". This has been confirmed by Mr. Mark Spencer at STIC/USPTO, who indicated via phone on or about January 22, 2002, that the disk submitted by Applicant on July 11, 2001, was not in the USPTO file for this application. Due to the

delay on the part of the USPTO and the reexamination of the wrong set of sequence information, Applicant submits that this response is timely filed.

Enclosed are printed and electronic copies (electromagnetic and CD) of the SEQ ID LISTING prepared, validated using the most recent versions of PatentIn software (3.1) and Checker software available as of this date, the appropriate statements under 37 C.F.R. 1.821-1.825 and a copy of the referenced Notice. The enclosed sequence information was validated by such PatentIn and Checker software. Also included is an amendment to the specification to include fresh pages for the supplemental SEQ ID LISTING, which has been modified solely to comply with the new rules.

It is respectfully requested that the attached postcard be stamped with the filing date and unofficial application number and returned as soon as possible.

Please apply any charges not covered, or any credits, to **Deposit Account 501321** in the name of **David R. Preston & Associates** having **Customer No.: 24232**.

Respectfully submitted,

Date:

January 28, 2002



David R. Preston

Reg. No. 38,710

David R. Preston & Associates, A.P.C.  
12625 High Bluff Drive  
Suite 205  
San Diego, CA 92130  
phone: 858.724.0375  
facsimile: 858.724.0384

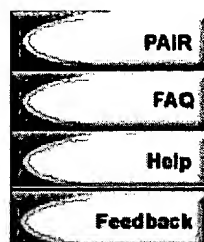
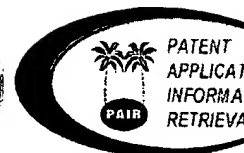
**ATTACHMENT A**  
**PAIR STATUS OF CASE**



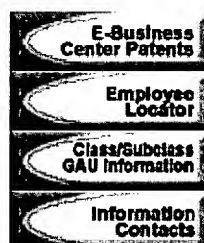
# UNITED STATES PATENT AND TRADEMARK OFFICE

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## PATENT APPLICATION INFORMATION RETRIEVAL



### Other Links



Search results for application number: 09/821,160		
Application Filing Date:	03-29-2001	Class / Sub-Class: 530/-
Issue Date of Patent:	-	Location: INITIAL-EXAM CENTRAL FIL
Examiner Name:	-	Status: Application Undergoing Pre Processing
Group Art Unit:	1645	Attorney Docket Number: SEL-00104.P.1-US
Earliest Publication No:	-	Patent Number: -
Earliest Publication Date:	-	Customer Number: 24232
Confirmation Number:	4265	

[Foreign Priority](#)
[Continuity Data](#)
[Publication Review](#)

File Contents History		
Number	Date	Contents Description
6	07-05-2001	Correspondence Address Change
5	05-29-2001	Application Scanned and Dispatched from OIPE
4	04-16-2001	Application Scanned and Dispatched from OIPE
3	04-16-2001	CRF Is Flawed Technically / Not Entered into Database
2	03-29-2001	CRF Disk Has Been Received by Preexam / Group / PCT
1	03-29-2001	Initial Exam Team nn

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**ATTACHMENT B**

**COPY OF RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR  
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO  
ACID SEQUENCE DISCLOSURE**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

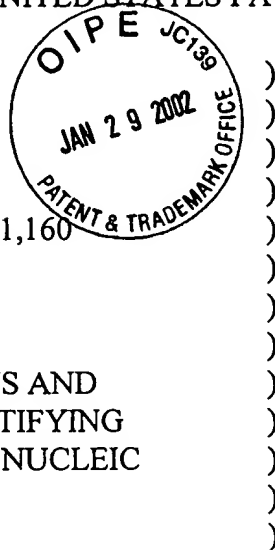
In re application of:

Yu

Application No.: 09/821,160

Filed: March 29, 2001

For: COMPOSITIONS AND  
METHODS FOR IDENTIFYING  
POLYPEPTIDES AND NUCLEIC  
ACID MOLECULES



Examiner: To be determined

Art Unit: To be determined

Assistant Commissioner for Patents  
Washington D.C. 20231

Sir:

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT  
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID  
SEQUENCE DISCLOSURES**

This response is being filed within two months of the mailing of the referenced Notice on July 6, 2001. Thus, this response is timely filed and no fee is deemed necessary.


Enclosed are printed and electronic copies of the SEQ ID LISTING prepared, validated using PatentIn software, the appropriate statements under 37 C.F.R. 1.821-1.825 and a copy of the referenced Notice. Also included is an amendment to the specification to include fresh pages for the supplemental SEQ ID LISTING, which has been modified solely to comply with the new rules.

It is respectfully requested that the attached postcard be stamped with the filing date and unofficial application number and returned as soon as possible.

Please apply any charges not covered, or any credits, to Deposit Account 501321 in the name of **David R. Preston & Associates** having Customer No.: 24232.

Respectfully submitted,

Date: July 11, 2001

A handwritten signature in black ink, appearing to read 'David R. Preston', written over a horizontal line.

David R. Preston

Reg. No. 38,710

David R. Preston & Associates  
11404 Sorrento Valley Road  
Suite 104  
San Diego, CA 92121  
phone: 858.450.1388  
facsimile: 858.450.2188



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/821,160	03/29/2001	Zhongping Yu	SEL-00104.P.1

24232  
DAVID R PRESTON & ASSOCIATES  
11404 SORRENTO VALLEY ROAD  
SUITE 104  
SAN DIEGO, CA 92121



CONFIRMATION NO. 4265

FORMALITIES LETTER



\*OC000000006268241\*

Date Mailed: 07/06/2001

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice **MUST** be returned with the reply.*

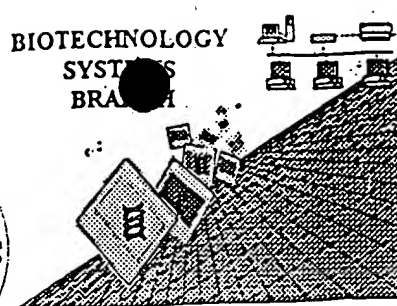
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



# RAW SEQUENCE LISTING ERROR REPORT



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/821,160

Source: OIPF

Date Processed by STIC: 4/10/2001

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: [patin3help@uspto.gov](mailto:patin3help@uspto.gov) or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER  
VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND  
TRADEMARK OFFICE WEBSITE. SEE BELOW:

## Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 - 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>

# Raw Sequence Listing Error Summary

## ERROR DETECTED SUGGESTED CORRECTION

SERIAL NUMBER: 09/821,160

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1        Wrapped Nucleics      The number/text at the end of each line "wrapped" down to the next line.  
This may occur if your file was retrieved in a word processor after creating it.  
Please adjust your right margin to .3, as this will prevent "wrapping".
- 2        Wrapped Aminos      The amino acid number/text at the end of each line "wrapped" down to the next line.  
This may occur if your file was retrieved in a word processor after creating it.  
Please adjust your right margin to .3, as this will prevent "wrapping".
- 3        Incorrect Line Length      The rules require that a line not exceed 72 characters in length. This includes spaces.
- 4        Misaligned Amino Acid      The numbering under each 5th amino acid is misaligned. This may be caused by the use of tabs  
Numbering      between the numbering. It is recommended to delete any tabs and use spacing between the numbers.
- 5        Non-ASCII      This file was not saved in ASCII (DOS) text, as required by the Sequence Rules.  
Please ensure your subsequent submission is saved in ASCII text so that it can be processed.
- 6        Variable Length      Sequence(s)        contain n's or Xaa's which represented more than one residue.  
=      As per the rules, each n or Xaa can only represent a single residue.  
Please present the maximum number of each residue having variable length and  
indicate in the (ix) feature section that some may be missing.
- 7        PatentIn ver. 2.0 "bug"      A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid  
sequence(s)       . Normally, PatentIn would automatically generate this section from the  
previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section  
to the subsequent amino acid sequence. This applies primarily to the mandatory <220>-<223>  
sections for Artificial or Unknown sequences.
- 8        Skipped Sequences      Sequence(s)        missing. If intentional, please use the following format for each skipped sequence:  
(OLD RULES)      (2) INFORMATION FOR SEQ ID NO:X:  
(i) SEQUENCE CHARACTERISTICS:(Do not insert any headings under "SEQUENCE CHARACTERISTICS")  
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X:  
This sequence is intentionally skipped  
  
Please also adjust the "(iii) NUMBER OF SEQUENCES:" response to include the skipped sequence(s).
- 9        Skipped Sequences      Sequence(s)        missing. If intentional, please use the following format for each skipped sequence.  
(NEW RULES)      <210> sequence id number  
<400> sequence id number  
000
- 10        Use of n's or Xaa's      Use of n's and/or Xaa's have been detected in the Sequence Listing.  
(NEW RULES)      Use of <220> to <223> is MANDATORY if n's or Xaa's are present.  
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
- 11        Use of "Artificial"      Use of "Artificial" only as "<213> Organism" response is incomplete, per 1.823(b) of New Sequence Rules.  
(NEW RULES)      Valid response is Artificial Sequence.
- 12        Use of <220>Feature      Sequence(s)        are missing the <220>Feature and associated headings.  
(NEW RULES)      Use of <220> to <223> is MANDATORY if <213>ORGANISM is "Artificial Sequence" or "Unknown"  
Please explain source of genetic material in <220> to <223> section.  
(See "Federal Register," 6/01/98, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of new Rules)
- 13        PatentIn ver. 2.0 "bug"      Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted  
file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing).  
Instead, please use "File Manager" or any other means to copy file to floppy disk.



RAW SEQUENCE LISTING  
PATENT APPLICATION: US/09/821,160

DATE: 04/10/2001  
TIME: 15:08:23

Input Set : A:\PTO.txt  
Output Set: N:\CRF3\04102001\I821160.raw

Does Not Comply  
Corrected Diskette Needed

*pg 1-3*

3 <110> APPLICANT: Yu, Zhongping  
5 <120> TITLE OF INVENTION: COMPOSITIONS AND METHODS FOR IDENTIFYING POLYPEPTIDES AND  
NUCLEIC ACID  
6 MOLECULES  
8 <130> FILE REFERENCE: SEL-00104.P.1-US  
10 <140> CURRENT APPLICATION NUMBER: US/09/821,160  
10 <141> CURRENT FILING DATE: 2001-03-29  
10 <150> PRIOR APPLICATION NUMBER: US 60/156,990  
11 <151> PRIOR FILING DATE: 1999-11-01  
13 <150> PRIOR APPLICATION NUMBER: US 60/178,420  
14 <151> PRIOR FILING DATE: 2000-01-27  
16 <150> PRIOR APPLICATION NUMBER: PCT/US00/26511  
17 <151> PRIOR FILING DATE: 2000-09-27  
19 <160> NUMBER OF SEQ ID NOS: 15  
21 <170> SOFTWARE: PatentIn version 3.0  
23 <210> SEQ ID NO: 1  
24 <211> LENGTH: 46  
25 <212> TYPE: DNA  
26 <213> ORGANISM: Homo sapiens  
28 <400> SEQUENCE: 1  
29 gcgaagctta tataaggtac caggaggtga accatggcag cgggga 46  
32 <210> SEQ ID NO: 2  
33 <211> LENGTH: 62  
34 <212> TYPE: DNA  
35 <213> ORGANISM: Homo sapiens  
37 <400> SEQUENCE: 2  
38 gcgtctagat agtcagggc cctgaaaata caggttttcg ctcttagcag acattggaag 60  
40 aa 62  
43 <210> SEQ ID NO: 3  
44 <211> LENGTH: 25  
45 <212> TYPE: DNA  
46 <213> ORGANISM: Artificial *see item 11 on Error Summary Sheet*  
48 <220> FEATURE:  
49 <223> OTHER INFORMATION: Synthetic sequence including XbaI site  
51 <400> SEQUENCE: 3  
52 cgctctagac taggttattg gaaaa 25  
55 <210> SEQ ID NO: 4  
56 <211> LENGTH: 24  
57 <212> TYPE: DNA  
58 <213> ORGANISM: Artificial  
60 <220> FEATURE:  
61 <223> OTHER INFORMATION: Synthetic sequence including HindIII site  
63 <400> SEQUENCE: 4  
64 cgcaagctta ctgtttctctg tgtg 24  
67 <210> SEQ ID NO: 5  
68 <211> LENGTH: 38  
69 <212> TYPE: DNA  
70 <213> ORGANISM: Bacteriophage T7

RAW SEQUENCE LISTING  
PATENT APPLICATION: US/09/821,160

DATE: 04/10/2001  
TIME: 15:08:23

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Output Set: N:\CRF3\04102001\I821160.raw

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73 agtggtacct aatacgactc actataggag ctcgaagg 38  
76 <210> SEQ ID NO: 6  
77 <211> LENGTH: 52  
78 <212> TYPE: DNA  
79 <213> ORGANISM: Bacteriophage T7  
81 <400> SEQUENCE: 6  
82 tcaccatggt ggcctcgaag tgtgcttgcc tatacgttgc cttcgagctc ct 52  
85 <210> SEQ ID NO: 7  
86 <211> LENGTH: 26  
87 <212> TYPE: DNA  
88 <213> ORGANISM: Influenza virus  
90 <400> SEQUENCE: 7  
91 ccagaattct acccatacga tgttcc 26  
94 <210> SEQ ID NO: 8  
95 <211> LENGTH: 26  
96 <212> TYPE: DNA  
97 <213> ORGANISM: Influenza virus  
99 <400> SEQUENCE: 8  
100 tgcctcgagc tagcactgag cagcgt 26  
103 <210> SEQ ID NO: 9  
104 <211> LENGTH: 105  
105 <212> TYPE: DNA  
106 <213> ORGANISM: Influenza virus  
108 <400> SEQUENCE: 9  
109 ttttaccat acgatgttcc tgactatgag ggcctatccct atgacgtccc ggactatgca 60  
111 ggatcctatc catatgacgt tccagattac cctgctcagt gctag 105  
114 <210> SEQ ID NO: 10  
115 <211> LENGTH: 19  
116 <212> TYPE: DNA  
117 <213> ORGANISM: Artificial  
119 <220> FEATURE:  
120 <223> OTHER INFORMATION: Synthetic sequence designated GST-F459  
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123 tctatggcca tcatacgtt 19  
126 <210> SEQ ID NO: 11  
127 <211> LENGTH: 18  
128 <212> TYPE: DNA  
129 <213> ORGANISM: Artificial  
131 <220> FEATURE:  
132 <223> OTHER INFORMATION: Synthetic sequence designated GST-END  
134 <400> SEQUENCE: 11  
135 gaggcagatc gtcagtca 18  
138 <210> SEQ ID NO: 12  
139 <211> LENGTH: 16  
140 <212> TYPE: DNA  
141 <213> ORGANISM: Artificial  
143 <220> FEATURE:  
144 <223> OTHER INFORMATION: Synthetic sequence designated as BglI linker

RAW SEQUENCE LISTING  
PATENT APPLICATION: US/09/821,160

DATE: 04/10/2001  
TIME: 15:08:23

Input Set : A:\PT0.txt  
Output Set: N:\CRF3\04102001\I821160.raw

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147 aattcgccag gcaggc 16
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152 <212> TYPE: DNA
153 <213> ORGANISM: Artificial
155 <220> FEATURE:
156 <223> OTHER INFORMATION: Synthetic sequence designated at BglI linker
158 <400> SEQUENCE: 13
159 tcgagcctgc ctggcg 16
162 <210> SEQ ID NO: 14
163 <211> LENGTH: 101
164 <212> TYPE: DNA
165 <213> ORGANISM: Artificial
167 <220> FEATURE:
168 <223> OTHER INFORMATION: Synthetic sequence designated RSOL with DraIII site and
sequence
169 complementary to GST-EN
171 <220> FEATURE:
172 <221> NAME/KEY: N_region
173 <222> LOCATION: (24)..(84)
174 <223> OTHER INFORMATION: N refers to any nucleotide
177 <400> SEQUENCE: 14
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W4-> 180 nnnnnnnnnnn nnnnnnnnnnn nntgactga cgatctgcct c 101
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184 <211> LENGTH: 23
185 <212> TYPE: DNA
186 <213> ORGANISM: Artificial
188 <220> FEATURE:
189 <223> OTHER INFORMATION: Synthetic sequence including DraIII site designated RSF
191 <400> SEQUENCE: 15
192 atacacggcg tgggtcttgca ata 23
```

VERIFICATION SUMMARY

PATENT APPLICATION: US/09/821,160

DATE: 04/10/2001

TIME: 15:08:24

Input Set : A:\PTO.txt

Output Set: N:\CRF3\04102001\I821160.raw

L:10 M:270 C: Current Application Number differs, Replaced Current Application No  
L:10 M:271 C: Current Filing Date differs, Replaced Current Filing Date  
L:178 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:14  
L:180 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:14



DAVID R. PRESTON & ASSOCIATES  
11401 CORRENTO VALLEY ROAD  
SUITE 101  
SAN DIEGO CA. 92121

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicant: Yu

Serial No.: 09/821,160

Filed: Marcy 29, 2001

Title: "Compositions and Methods for Identifying Polypeptides and Nucleic Acid Molecules"  
UTILITY PATENT APPLICATION

Docket No.: SEL-00104.P.1-US

☐ Transmittal form (duplicate)

☐ Fee transmittal (in duplicate)

☐ Response for Notice to comply with SEQ ID Requirements

☐ Statement under 37 C.F.R. 1.821 - 1.825

☐ CRF diskette

☐ Paper copy of SEQ ID LISTING

☐ Copy of Notice to Comply with SEQ ID Requirements

☐ Preliminary Amendment No. 2

☐ Return Postcard

☐ Certificate of Mailing



EXHIBIT

Resubmission of SEOT LISTING

09/821,160

Filed 3/29/01

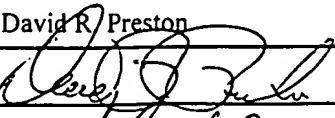
Priority 60/156,990

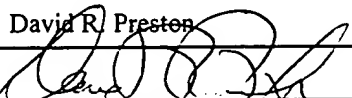
60/178,420

PCI/US00/26571

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number:	09/821,160
	Filing Date:	May 29, 2001
	First Named Inventor:	Yu
	Group Art Unit:	To be Determined
	Examiner:	To be Determined
Total Pages in This Submission:	Attorney Docket Number:	SEL-00104.P.1-US

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal, Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits / Declarations(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Requests	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Inclosures, identified below:  Postcard Response to comply with SEQ ID. Statement under CFR 1.821 et al. Supp. SEQ ID LISTING, hard copy and electronic copy.
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts / Incomplete Application	Remarks:	
<input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	David R. Preston
Signature	
Date	July 11, 2001

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date.			Date: 7/11/01
Typed or printed name:	David R. Preston		
Signature		Date:	7/11/01

<b>FEE TRANSMITTAL</b> Patent fees are subject to annual revision on October 1. These are the fees effective October 1, 1997. Small Entity payments <u>must</u> be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 and 1.28.		Complete if Known	
		Application Number:	09/821,160
		Filing Date:	March 29, 2001
		First Named Inventor:	Yu, Zhongping
		Group / Art Unit:	To be determined
Total Amount of Payment	\$ 0.00	Docket Number:	SEL-00104.P.1-US


<b>METHOD OF PAYMENT</b>	
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: <input type="checkbox"/> Deposit Account Name: <input type="checkbox"/> <input type="checkbox"/> Charge Any Additional Fee Required Under 37 C.F.R. §§ 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee Set in 37 C.F.R. § 1.18 at the Mailing of the Notice of Allowance.	
2. <input type="checkbox"/> Payment Enclosed <input type="checkbox"/> Check Number: <input type="checkbox"/> <input type="checkbox"/> Money Order <input type="checkbox"/> Other	

<b>FEE CALCULATION</b>						
<b>1. BASIC FILING FEE</b>						
	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
	101		201		Utility Filing Fee	\$
	106		206		Design Filing Fee	\$
	107		207		Plant Filing Fee	\$
	108		208		Reissue Filing Fee	\$
	114		214		Provisional Filing Fee	\$
<b>SUBTOTAL (1)</b>						<b>\$ 0.00</b>

2. EXTRA CLAIM FEES								
				Extra Claims		Fee From Below		Fee Paid
Total Claims	[20]	-20 **	Equals	[x]	Times	[9.00]	Equals	\$ 0.00
Independent Claims	[3]	-3 **	Equals	[0]	Times	[40.00]	Equals	\$ 0.00
Subtotal (2)								\$ 0.00
** or number previously paid, if greater, For Reissues, see below								
	Large Entity		Small Entity		Fee Description			
	Fee Code	Fee (\$)	Fee Code	Fee (\$)				
	103		203		Claims in excess of 20			
	102		202		Independent claims in excess of 3			
	104		204		Multiple dependent claim, if not paid			
	109		209		** Reissue independent claims over original patent			
	110		210		** Reissue claims in excess of 20 and over original patent			

3. ADDITIONAL FEES					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105		205		Surcharge - late filing fee or oath	\$
127		227		Surcharge - late provisional filing fee or cover sheet	\$
139		139		Non-English specification	\$
147		147		For filing a request for reexamination	\$
112		112		Requesting publication of SIR prior to Examiner action	\$
113		113		Requesting publication of SIR after Examiner action	\$
115		215		Extension for reply within first month	\$
116		216		Extension for reply within second month	\$
117		217		Extension for reply within third month	\$
118		218		Extension for reply within fourth month	\$
128		228		Extension for reply within fifth month	\$
119		219		Notice of Appeal	\$
120		220		Filing a brief in support of an appeal	\$
121		221		Request for oral hearing	\$
138		138		Petition to institute a public use proceeding	\$
140		240		Petition or revive - unavoidable	\$
141		241		Petition or revive - unintentional	\$
142		242		Utility issue fee (or reissue)	\$
143		243		Design issue fee	\$
144		244		Plant issue fee	\$
122		122		Petitions to the Commissioner	\$
123		123		Petitions related to provisional applications	\$
126		126		Submission of Information Disclosure Statement	\$
581		581		Recording each patent assignment per property	\$
146		246		Filing a submission after final rejection (37 C.F.R. 1.129(a))	\$
149		249		For each additional invention to be examined (37 CFR 1.129(b))	\$
Other fee (specify):					\$
				Subtotal (3)	\$ 0.00

4. SUMMATION OF FEES	
SUBTOTAL (1)	\$ 0.00
SUBTOTAL (2)	\$ 0.00
SUBTOTAL (3)	\$ 0.00
TOTAL FEES	\$ 0.00

SUBMITTED BY			Complete (If Applicable)	
Typed or Printed Name	David R. Preston		Registration Number:	38,710
Signature		Date: 7/16/01	Deposit Account User ID Number	501321



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/821,160	03/29/2001	Zhongping Yu	SEL-00104.P.1-US

24232  
DAVID R PRESTON & ASSOCIATES  
12625 HIGH BLUFF DRIVE  
SUITE 205  
SAN DIEGO, CA 92130



CONFIRMATION NO. 4263  
FORMALITIES LETTER  
JAN 31 2002  
TECH CENTER 1600/2000  
RECEIVED  
Date Mailed 01/14/2002  
\*OC000000007302260\*

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 07/16/2001 to the Notice to File Missing Parts (Notice) mailed 07/06/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice MUST be returned with the reply.*

*Ngan*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



**ATTACHMENT TO "NOTICE TO COMPLY WITH  
REQUIREMENTS...SEQUENCE DISCLOSURES"**

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be submitted using one of the following methods:

1. Electronically submitted through EFS-Bio  
(<http://www.uspto.gov/ebs/efs/downloads/documents.htm>, EFS Submission User Manual - ePAVE)
2. Mailed to:  
U.S. Patent and Trademark Office  
Box Sequence, P.O. Box 2327  
Arlington, VA 22202
3. Mailed by Federal Express, United Parcel Service or other delivery service to:  
U. S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Box Sequence  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202
4. Hand Carried directly to the Customer Window at:  
2011 South Clark Place  
Crystal Plaza Two, Lobby, Room 1B03, Box Sequence,  
Arlington, Virginia 22202



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/821,160	03/29/2001	Zhongping Yu	SEL-001031.1

24232  
DAVID R PRESTON & ASSOCIATES  
11404 SORRENTO VALLEY ROAD  
SUITE 104  
SAN DIEGO, CA 92121

CONFIRMATION NO. 426

FORMALITIES LETTER



\*OC000000006268241\*

Date Mailed: 07/06/2001

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

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- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

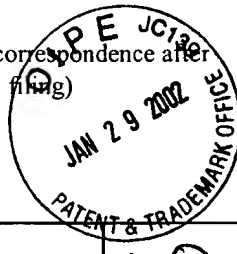
PART 3 - OFFICE COPY

Box 5-89

1645

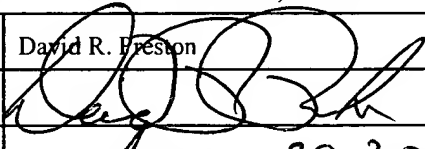
RECEIVED

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number:	09/821,160 ✓
	Filing Date:	May 29, 2001
	First Named Inventor:	Yu
	Group Art Unit:	1645
	Examiner:	To be Determined
Total Pages in This Submission:	60	Attorney Docket Number: SEL-00104.P.1-US



TECH CENTER 1600/2900  
JAN 31 2002

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal, Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits / Declarations(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Requests	<input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Inclosures, identified below:  Postcard for HAND DELIVERY to USPTO via courier filed herewith. Response to comply with SEQ ID. Statement under CFR 1.821 et al. SEQ ID LISTING, paper copy, CRF copies (Disk copy and CD copy). Copy of previously filed response to Notice
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Response to Missing Parts / Incomplete Application	Remarks: <i>Via Hand Delivery to USPTO</i>	
<input type="checkbox"/> Response to Missing Parts under 37 C.F.R. 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual Name	David R. Preston
Signature	
Date	January 28, 2002

CERTIFICATE OF MAILING				
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date.			Date:	
Typed or printed name:	David R. Preston			
Signature		Date:		

Application being filed by hand delivery via courier.

RECEIVED

TECH CENTER 1600/2900  
JAN 31 2002

FEE TRANSMITTAL		Complete if Known	
Patent fees are subject to annual revision on October 1. These are the fees effective October 1, 1997. Small Entity payments <u>must</u> be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12. See 37 C.F.R. §§ 1.27 and 1.28.		Application Number:	09/821,160
		Filing Date:	March 29, 2001
		First Named Inventor:	Yu
		Group / Art Unit:	1645
Total Amount of Payment	\$ 0.00	Docket Number:	SEL-00104.P.1-US



METHOD OF PAYMENT
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number: [501321] Deposit Account Name: [David R. Preston & Associates] <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 C.F.R. §§ 1.16 and 1.17 to <u>Deposit Account Number 50132</u> <input type="checkbox"/> Charge the Issue Fee Set in 37 C.F.R. § 1.18 at the Mailing of the Notice of Allowance.
2. <input type="checkbox"/> Payment Enclosed <input type="checkbox"/> Check Number <input type="checkbox"/> Money Order <input type="checkbox"/> Other


FEE CALCULATION						
1. BASIC FILING FEE						
	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
	101		201		Utility Filing Fee	\$
	106		206		Design Filing Fee	\$
	107		207		Plant Filing Fee	\$
	108		208		Reissue Filing Fee	\$
	114		214		Provisional Filing Fee	\$
SUBTOTAL (1)						\$ 0.00

2. EXTRA CLAIM FEES								
				Extra Claims		Fee From Below		Fee Paid
Total Claims	[ ]	-20 **	Equals	[0]	Times	[ ]	Equals	\$ 0.00
Independent Claims	[ ]	-3 **	Equals	[0]	Times	[ ]	Equals	\$ 0.00
<b>Subtotal (2)</b>								\$ 0.00
** or number previously paid, if greater, For Reissues, see below								
	<b>Large Entity</b>		<b>Small Entity</b>		<b>Fee Description</b>			
	<b>Fee Code</b>	<b>Fee (\$)</b>	<b>Fee Code</b>	<b>Fee (\$)</b>				
	103		203		Claims in excess of 20			
	102		202		Independent claims in excess of 3			
	104		204		Multiple dependent claim, if not paid			
	109		209		** Reissue independent claims over original patent			
	110		210		** Reissue claims in excess of 20 and over original patent			

3. ADDITIONAL FEES					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105		205		Surcharge - late filing fee or oath	\$
127		227		Surcharge - late provisional filing fee or cover sheet	\$
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128		228		Extension for reply within fifth month	\$
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120		220		Filing a brief in support of an appeal	\$
121		221		Request for oral hearing	\$
138		138		Petition to institute a public use proceeding	\$
140		240		Petition or revive - unavoidable	\$
141		241		Petition or revive - unintentional	\$
142		242		Utility issue fee (or reissue)	\$
143		243		Design issue fee	\$
144		244		Plant issue fee	\$
122		122		Petitions to the Commissioner	\$
123		123		Petitions related to provisional applications	\$
126		126		Submission of Information Disclosure Statement	\$
581		581		Recording each patent assignment per property	\$
146		246		Filing a submission after final rejection (37 C.F.R. 1.129(a))	\$
149		249		For each additional invention to be examined (37 CFR 1.129(b))	\$
Other fee (specify):					\$
				Subtotal (3)	\$ 0.00



4. SUMMATION OF FEES	
SUBTOTAL (1)	\$ 0.00
SUBTOTAL (2)	\$ 0.00
SUBTOTAL (3)	\$ 0.00
TOTAL FEES	\$ 0.00

SUBMITTED BY			Complete (If Applicable)	
Typed or Printed Name	David R. Preston		Registration Number:	38,710
Signature		Date: 1/28/02	Deposit Account User ID Number	50132